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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,407	03/09/2006	Rory Lee Block	47079-00234USPX	6631
70243	7590	03/17/2009	EXAMINER	
NIXON PEABODY LLP			HSU, RYAN	
161 N CLARK ST.				
48TH FLOOR			ART UNIT	PAPER NUMBER
CHICAGO, IL 60601-3213			3714	
			MAIL DATE	DELIVERY MODE
			03/17/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/571,407	BLOCK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	RYAN HSU	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 March 2006.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 March 2006 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/12/06,8/8/06.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **Claims 1-4, 10, 15, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres et al. (US 6,319,125 B1).**

Regarding claims 1, 10, and 18, Acres teaches a method of operating a wagering game comprising storing data in at least one database where the data is used for operating a wagering game. Additionally, Acres teaches receiving at a gaming terminal a player card that includes various media to provide information to the gaming terminal to be compared so that different functions might occur at the gaming terminal device (*see col. 4: ln 20-60*). While Acres' does not specifically teach a first function in comparison with a first media and a second function in comparing a second media the operation of player identification cards would store information in the memory storing data that would provide the gaming server to determine the player's eligibility for different awards and prizes (*see col. 5: ln 65-col. 6: ln 67*). As discussed in Acres' the player tracking card provides historical game play data of the specific player that will qualify the player for different progressive prizes and 'mystery' bonuses (*see col. 7: ln 10-21*).

Regarding claims 2-4, 15, and 19-20, Acres teaches a method wherein the first function relates to tracking a player and the other determining access to a restricted-access progressive game (*see col. 5: ln 65-col. 6: ln 67*).

**Claims 5-9, 11-14, 16-17, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres as applied to claims above, and further in view of Criss-Puszkiewicz et al. (US 2002/0155887 A1).**

Acres teach all the elements as discussed above, however is silent with respect to the specific structure and security embodied in player identification cards.

In several different gaming patents the structure of player identification cards are taught. These various gaming patents, teach the media to store information on the tracking card to be in the form of magnetic strips, barcodes, or signals (ie: smart cards). Additionally, providing more than one bar code or magnetic strip would produce the expected result of storing information in different fields and would only require one of routine skill in the art. It provides no unexpected result and is but a listing of the available mediums well known in the gaming arts to be used on player tracking cards. The prior art of record teaches that this can be done using one barcode (Luciano et al. US 6,500,067), magnetic strip or signal therefore making the two 'media' separate would only take routine skill in the art. Duplicating such a media does not provide any unexpected result other than adding another storage medium to perform an operation that could just as easily be done with one.

In a related gaming patent, Criss-Puszkiewicz et al. teaches a player tracking system that incorporates a card that identifies a player using either a magnetic strip card or a signal which is read and provides the system with the player's information.

Regarding claims 5-9, 11-14, and 22, Criss-Puszkiewicz teaches a method wherein first and second media use a security device to indicate information to the system. This media can be

in the form of bar codes, magnetic strips, or frequency identification signals (*see abstract, Fig. 6 and the related description thereof*).

Regarding claims 16-17 and 21, Criss-Puskiewicz teaches a gaming terminal wherein the two media are capable of being on the same side of the single game card and at least one reading component includes two reading components (*see Fig. 6 and the related description thereof*).

Thus one would have been motivated to incorporate the features of Criss-Puskiewicz in order to provide the structure of a player tracking card.

Therefore it would have been obvious to one of ordinary skill in the art to implement the player tracking card of Criss-Puskiewicz with that of the system taught in Acres at the time the invention was made.

### ***Conclusion***

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached at (571)-272-4437.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

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March 15, 2009

/John M Hotaling II/

Supervisory Patent Examiner, Art Unit 3714